
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ISMAEL NAGI

Plaintiff

Case No.:

vs.

Hon.

OLIVER ARCHIBALD WARLOCK
FCA TRANSPORT LLC

Defendants

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DEFENDANTS' NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446

Defendants FCA Transport LLC and Oliver Warlock, by and through their attorneys, submit this notice of removal in accordance with 28 U.S.C. §1446 and further state as follows:

Background

1. On January 20, 2022, plaintiff Ismael Nagi, through his attorneys, filed a personal injury complaint in Wayne County Circuit Court against defendants Oliver Warlock and FCA Transport LLC (case number 22-000740-NI). (A copy of the complaint received by defendants is attached as Exhibit A.)

2. The lawsuit arises out of an alleged motor vehicle accident on September 11, 2019, and plaintiff alleges he sustained personal injuries as a result of the accident.

Basis for removal – diversity jurisdiction

3. A defendant may remove a case from state court to federal court if a federal court has original jurisdiction over the case. 28 U.S.C. § 1441(a).

4. Federal courts have original jurisdiction based on diversity of citizenship if two requirements are met—the amount in controversy exceeds \$75,000 and the dispute arises between citizens of different states or between citizens of a state and citizens or subjects of a foreign state. 28 U.S.C. § 1332(a). These requirements are satisfied here.

5. **Diversity of citizenship.** Diversity of citizenship exists because plaintiff is a citizen of a state and defendants are citizens or subjects of a foreign state.

6. Plaintiff is a resident and citizen of Michigan. (Ex. A, ¶ 1)

7. Defendant Oliver Warlock is a resident and citizen of Ontario, Canada.
(Ex. A, ¶ 2)

8. A limited liability company's citizenship for diversity purposes is based on the citizenship of its members, and for determining diversity of citizenship, a corporation is a citizen of (1) its place of incorporation and (2) the location of its principal place of business, 28 U.S.C. § 1332(c).

9. Defendant FCA Transport LLC is a limited liability company, and its sole member is another limited liability company—FCA US LLC. FCA US LLC's sole member is also another limited liability company—FCA North America Holdings LLC. And FCA North America Holdings LLC's sole member is a foreign corporation called FCA Foreign Sales Holdco Ltd., which is incorporated under the laws of the United Kingdom and has its principal place of business in West Midlands, United Kingdom. FCA Transport LLC is therefore a foreign citizen and is not a citizen of Michigan.

10. There is complete diversity of citizenship among the parties based on 28 U.S.C. § 1332(a). Plaintiff is a citizen of Michigan, while defendants are foreign citizens.

11. **Amount in controversy.** Diversity jurisdiction further exists because the amount in controversy exceeds \$75,000.

12. Plaintiff's complaint only alleges that "[t]he amount in controversy herein exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars," which is the jurisdictional requirement for a state circuit court action. (Ex. A, ¶ 4)

13. However, plaintiff's complaint also alleges that, as a result of the accident, plaintiff sustained "serious bodily injuries, including the following injuries: "serious injuries to his neck, shoulders, back, wrist, hip, knees, and related and resultant injuries; physical pain and suffering; disability and disfigurement; mental anguish; fright and shock; denial of social pleasures and enjoyment of the usual activities of life; embarrassment, humiliation and mortification; [and] loss of earnings and earning capacity." (Ex. A, ¶ 9)

14. Given the alleged injuries and damages for plaintiff, defendants believe that the amount in controversy exceeds \$75,000 exclusive of interest and costs.

15. Based on the above, removal of the state court action to this court is proper under 28 U.S.C. §§ 1332(a)(2) and 1446(b) due to diversity of citizenship of all the parties and an amount in controversy in excess of \$75,000 exclusive of interest and costs.

Procedural matters

16. **Removal is timely.** This Notice of Removal is timely under 28 U.S.C. § 1446(b). FCA Transport received a copy of the complaint on January 24, 2022, and Warlock received the complaint on February 9, 2022 or February 11, 2022. This

Notice of Removal is therefore timely because it is filed within 30 days after the defendants received the complaint.

17. **Removal to proper court.** A defendant must remove a case “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Plaintiff filed his state court lawsuit in Wayne County, Michigan, which is within the judicial district of this court. 28 U.S.C. § 102(a)(1).

18. **Pleadings and process.** Defendants have attached a copy of all pleadings and orders that have been served in the state court action as Exhibit A.

19. **Service of state court notice.** Defendants will promptly serve plaintiff with this Notice of Removal and will also promptly file a copy of this Notice of Removal with the Wayne County Circuit Court as required by 28 U.S.C. § 1446(d).

20. **Consent of other defendants.** 28 U.S.C. § 1446(b)(2) permits removal only if “all defendants who have been properly joined and served” consent to removal. This requirement is met because all defendants consent to removal.

21. All the requirements for removal of the state court action to this court under 28 U.S.C. § 1446 are met, this court’s jurisdiction is established based on diversity of citizenship, and defendants remove this action from Wayne County Circuit Court to the United States District Court, Eastern District of Michigan.

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Certificate of Service

The undersigned certifies that on February 18, 2022, this document was electronically filed with the Clerk of the Court using the CM/ECF system. Copies were also emailed to counsel identified in the caption on the same date.

/s/ William S. Cook
William S. Cook